

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.37023 of 2006

K.Sampathkumar

.. Petitioner

-vs-

1. The Special Commissioner and
Commissioner for Land Administration
Chepauk, Chennai 600 005

2. The Collector
Chengalpattu District
Kancheepuram

3. The Tahsildar
Tambaram Taluk
Tambaram
Chennai 600 045

4. T.Kuppusamy

5. N.Krishnan
(R4 & R5 impleaded as per
order dt. 21.4.07
in M.P.No.1 of 2007 in
W.P.No.37023 of 2006)

6. Commissioner
Pallavapuram Municipality
Pallavaram, Chennai
(R6 impleaded as per order of
Court dt. 26.8.11
in M.P.No.1 of 2011 in
W.P.No.37023 of 2006)

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the third respondent in Na.Ka.No.14438/2002/Aa2 dated 14.9.2006 and quash the same and consequently direct the respondents not to initiate any further proceedings pending disposal of the issue between the parties that is sub judice before this Hon'ble Court in W.P.No.29417 of 2006.

For Petitioner :: No appearance
For Respondents :: Mr.K.V.Dhanapalan
 Additional Government Pleader
 for R1 to R3
 No appearance for R4
 Mr.V.Raghupathi for R5
 Mr.P.Srinivas for R6

ORDER

Aggrieved by the impugned order passed by the third respondent-Tahsildar, Tambaram Taluk, the petitioner has come to this Court under Article 226 of the Constitution of India on the ground that the petitioner's vendor Mr.K.Vijayan, in whose favour patta was granted, on the premise that the same was obtained on manipulation, suffered cancellation of the patta. However, when the petitioner's vendor Mr.K.Vijayan challenged unsuccessfully the cancellation of patta dated 25.7.2006 in W.P.No.24496 of 2006, this Court, by order dated 28.9.2011, dismissed the same, since no one appeared. Only thereafter, a notice under Section 7 of the Tamil Nadu Land Encroachment Act in respect of the land covered in Old Survey No.168/2 and Pallavaram Town Survey No.12, Block No.8, Ward No.G, V.O.C. Street, Nemilicherry village was issued to the petitioner. Pursuant to the said notice, the petitioner approached the Tahsildar, Tambaram Taluk with his representation and the same was rejected, giving rise to the present writ petition.

2. When the matter was taken up, no one appeared for the petitioner. That apart, when the very same petitioner Mr.K.Sampathkumar filed yet another Writ Petition No.29417 of 2006 before this Court challenging the very same cancellation order dated 25.7.2006 passed by the Special Commissioner and Commissioner for Land Administration, Chennai in Rc.No.K1/20220/2004, to quash the same with a further direction to forbear the respondents from interfering with his right, title, possession and enjoyment of the very same property, for his non appearance, the said writ petition was also dismissed. Therefore, the record shows that none of the persons, either the petitioner's vendor or the petitioner, appeared. Be that as it may, since none appeared for the petitioner, this writ petition is dismissed for non prosecution. Consequently, interim order stands vacated and the W.P.M.P.Nos.1 to 3 of 2006 and 2 of 2007 are also dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

SS

To

1. The Special Commissioner and
Commissioner for Land Administration
Chepauk
Chennai 600 005

2. The Collector
Chengalpattu District
Kancheepuram

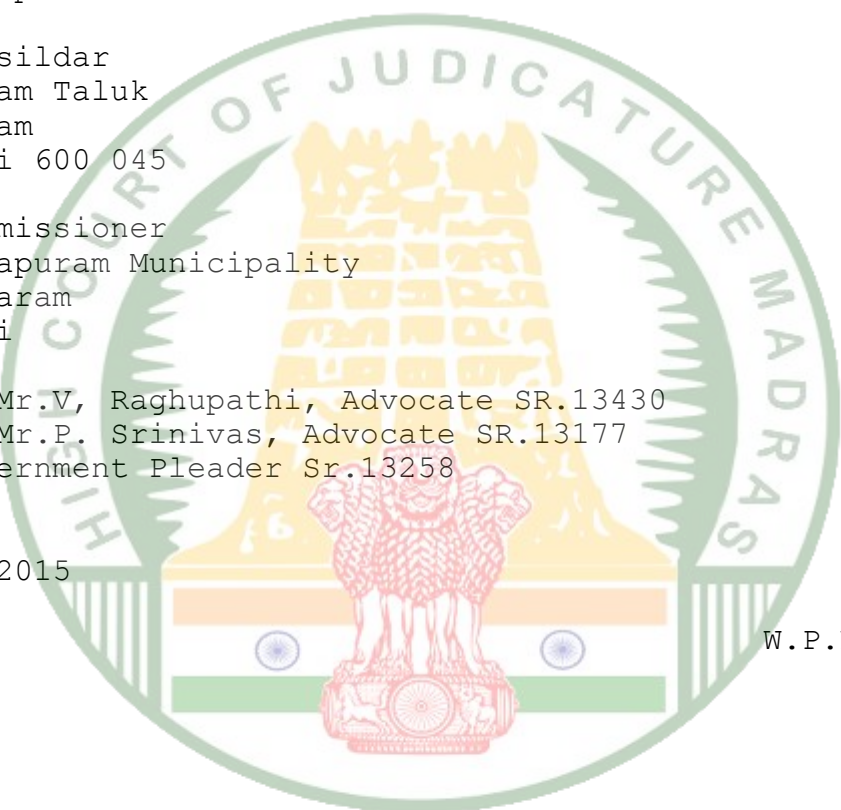
3. The Tahsildar
Tambaram Taluk
Tambaram
Chennai 600 045

4. The Commissioner
Pallavapuram Municipality
Pallavaram
Chennai

+ 1 cc to Mr.V, Raghupathi, Advocate SR.13430
+ 1 cc to Mr.P. Srinivas, Advocate SR.13177
+ 1 cc Government Pleader Sr.13258

VGI (CO)
EU 19.03.2015

W.P.No.37023 of 2006

The seal of the High Court of Judicature Madras is a circular emblem. It features a central golden temple gopuram (tower) with a red lion capital of Ashoka in front of it. The lion capital is set against a background of the Indian national flag's saffron, white, and green horizontal stripes. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed in a green border around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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